

7:00 p.m. Study Session:

- 427 W. Plum Nuisance
- AMR/AMI Bids

Agenda

Tipp City City Council

7:30 p.m. Monday, November 16, 2009

Tipp City Government Center

260 South Garber Drive

Tipp City, Ohio 45371

	Agenda Item	Presenter
1.	Call to Order - Roll Call	President Hale
2.	Prayer for Guidance, Pledge of Allegiance	Pastor Gary Boggs, First Baptist Church
3.	Motion to Approve the Agenda	President Hale
4.	Minutes of the November 2, 2009 Pre-Meeting Study Session Minutes of the November 2, 2009 Meeting	President Hale
5.	Presentations, Proclamations, & Awards	Mayor Evans
6.	Legislation	
	Ordinances (<i>second reading</i>)	Mr. Crusey
	Resolutions (<i>one reading required</i>) A. Resolution No. __-09: A resolution adopting the 2010-2014 Capital Improvement Program for the City of Tipp City. <u>Summary:</u> City Council reviewed the proposed update to the City's five-year Capital Improvement Program for 2010 through 2014, in an October 26, 2009 Workshop and a Study Session held on November 2, 2009. B. Resolution No. __-09: A resolution to approve the form and authorize the execution of power sales contracts with American Municipal Power, Inc. and taking other actions in connection therewith regarding Meldahl and Greenup Hydroelectric Project participation. <u>Summary:</u> This resolution would request 270kW of hydroelectric power from the Greenup and Meldahl facilities and is recommended by staff.	Mr. Crusey

	<p>Ordinances (first reading)</p> <p>A. Ordinance No. __-09: An ordinance authorizing the City Manager to purchase certain real property (+/- 117.7 acres) in unincorporated Monroe Township, Miami County, Ohio and declaring an emergency.</p> <p><u>Summary:</u> The total cost of this project is \$520,810 of which the City's cost is less than 6% (\$25,000) due to grants and donations.</p> <p>B. Ordinance No. __-09: An ordinance supplementing the appropriations in Ordinance No. 48-08.</p> <p><u>Summary:</u> This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2009 fiscal year budget in the total amount of \$495,000.</p> <p>C. An ordinance reducing the appropriations in Ordinance No. 48-08.</p> <p><u>Summary:</u> This ordinance authorizes the necessary reduction in appropriations of \$1,571,300.</p> <p>D. Ordinance No. __-09: An ordinance amending Chapter 37 including Appendix Exhibit "A" of the Codified Ordinances of the City of Tipp City for all City employees not covered by a collective bargaining agreement.</p> <p><u>Summary:</u> This revision to Chapter 37 allows the Superintendent and Supervisor of the NAWA Treatment Plant to receive overtime and on-call pay.</p>	Mr. Crusey
7.	<p>Motions</p> <p>A. A motion approving the value of the partial property donation for the Water Tower property on Success Circle being Inlot 3738.</p> <p>B. A motion approving the value of the property donation for the Kinna Drive Right-of-Way.</p> <p>C. A motion to hire seasonal employees for prairie maintenance.</p>	President Hale
8.	Miscellaneous	President Hale
9.	Citizen Comments on Items Not on the Agenda	
10.	Comments of Councilmembers/City Manager	
11.	Adjournment	President Hale

AGENDA

RESOLUTIONS

- A. **2010-2014 Capital Improvement Plan** - This resolution adopts the 2010-2014 Capital Improvement Program for the City of Tipp City. Section 7.07(B) of the Charter allows "the Council by ordinance or resolution shall adopt the capital program with or without amendment after the public hearing". This plan was reviewed and recommended for approval by the Planning Board at its October 13, 2009 meeting. The plan was then submitted to Council on October 15th and Council conducted a study session for the purpose of reviewing the 5-Year CIP on October 26th. A subsequent Study Session was conducted on November 2nd to review proposed changes to the Plan arising from Council's October 26th meeting resulting in a reduction of expenditures from the Capital Improvement Reserve Fund of \$164,450 over the five-year period.

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ORDINANCES – First Reading

- A. **Senseman Land Purchase** – This ordinance authorizes the City Manager to finalize the purchase of the +/- 117 acre parcel located just east of the well fields. The total cost of \$520,810 is being financed by a \$385,399.40 grant from the Clean Ohio Fund, \$90,400 from a private company (remediation requirement from OEPA), \$15,010.06 in cash and in-kind services from the Miami Conservancy District, and \$25,000 in a combination of cash, in-kind services and easement donation from the City of Tipp City. Tipp City's share of this project is less than 6%. Since closing on this property must take place prior to December 31st staff recommends that Council adopt this ordinance as an Emergency at 2nd reading on December 7th. A memo from Assistant City Manager/ Community and Economic Development Director Brad Vath is attached for your review.

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- B. **Water/Wastewater Supervisory Call-In Pay** – In March of 2008, the City signed a Memorandum of Understanding (MOU) with AFSCME regarding several contract issues affecting the NAWA plant operations. City Council was consulted regarding the proposed changes. One change allowed the City to have Chapter 37 employees (Water/Wastewater Superintendent or Water Treatment Plan Supervisor) perform the weekly on-call routine. However, during the transition to a new City Manager this change was never codified into Chapter 37. Staffing at NAWA is comprised of one supervisor and two operators. Previously, the two operators were on-call every other week from 3:30 p.m. to 7:00 a.m. with two-hour shifts on Saturday and Sunday. With the addition of the Superintendent or Supervisor into the call-in rotation, employees are now on-call every three weeks instead of every other week. This ordinance allows the Superintendent or Supervisor (salaried positions) to earn on-call time and overtime while serving in an on-call status.

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- C. **Supplemental Appropriation** – The adoption of this ordinance would increase 2009 appropriations in the amount of \$495,000 as follows:

+ \$35,000 General Fund – To account for additional transfers in the amount of \$20,000 to the Swimming Pool Fund and \$15,000 to the Parks Capital Improvement Fund to offset lower than anticipated income tax revenue related to the 0.25% Parks levy.

+ \$460,000 Electric Fund - Due to higher than anticipated purchase of power costs. This increase is offset by revenue from the City's sale of electric power.

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D. **Reduction of Appropriations** – The adoption of this resolution would decrease 2009 appropriations in the amount of \$1,571,300 as follows:

- \$12,000 Swimming Pool Fund – Due to lower than budgeted expenditures.

- \$59,300 Parks Capital Improvement Fund – Due to lower than budgeted project costs for the Kyle Park Bike Path project that was budgeted at \$150,000 and completed for \$90,700.

- \$1,500,000 Utility AMR Project Fund – Proposals for the Advanced Metering Infrastructure/Automatic Meter Reading project were received on October 21 and are currently under review. The City has been awarded a \$600,000 OPWC loan for this project and therefore cannot sign any contracts until after January 1, 2010.

E. **Meldahl/Greenup Hydroelectric Power Sales Contract** – The adoption of this resolution authorizes the City Manager to acquire on behalf of the City projects shares in the Meldahl and Greenup hydroelectric projects and to execute all documents necessary to become a participant in said projects. The City's request is for 270 kW that may be prorated if the projects are oversubscribed; however, there is also a 25% step up provision if the projects are undersubscribed. City Council received an update on the Meldahl and Greenup hydroelectric projects at its November 2nd study session. A memo from Assistant Utilities Director Christy Butera is attached for your review.

MOTIONS

A. **Kinna Drive Right-of-Way Donation** – Council adopted a motion at its November 2, 2009 meeting recognizing the value of the right-of-way donated by Gateway Development Center Ltd. for the extension of Kinna Drive at the Agreement amount of \$91,050. However, a recent appraisal places the value of the donation at \$124,200. Therefore, a revised motion is necessary to **modify and establish the value of the donation and authorizing the City Manager to execute IRS Form 8263 "Noncash Charitable Contributions," for the property owner in the amount of \$124,200.** A memo from Assistant City Manager/ Community and Economic Development Director Brad Vath is attached for your review.

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B. **Water Tower Property Donation** – At your October 19, 2009 meeting Council adopted Ordinance 30-09 authorizing the purchase of Inlot 3738 on Success Circle from Berry-Logan Properties LLC at a price of \$99,000 for the construction of the new 1 million gallon water tower. The appraised value of the land purchased by the City is \$143,250. It would be appropriate for Council to adopt a motion **establishing the value of the donation and authorizing the City Manager to execute IRS Form 8263 "Noncash Charitable Contributions," for the property owner in the amount of \$44,250.** A memo from Assistant City Manager/ Community and Economic Development Director Brad Vath is attached for your review.

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A. **Hiring Seasonal Employees For Prairie Maintenance** – On February 2, 2009 City Council adopted Resolution 06-09 implementing a hiring freeze that requires Council approval to fill all vacant positions. Two seasonal employees are requested to be hired in the Water Department over the Thanksgiving/Christmas holiday's for prairie maintenance. The grant funds used to purchase the prairies, and their overlying conservation easements, require the City to maintain these lands in a natural state. There are sufficient funds budgeted for this activity.

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Council welcomes the comments and input of the public during the Council meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen's comments during any portion of the Council meeting or Public Hearing.

Any citizen who wishes to address Council must first seek recognition from the President of Council. Upon recognition by the President, the speaker should approach the podium, state their name and make their comments. Speakers should not leave the podium to approach Councilmembers without first obtaining permission. After completion of their comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to individuals at the podium to prevent any potential confusion or disruption.